1962

Title 11 Taxing Units Chapter 01-08: Bonds to Sewage - 1962

Utah Code Annotated

TITLE 11

CITIES, COUNTIES AND LOCAL TAXING UNITS

CHAPTER 1

BONDS AND WARRANTS

11-1-1. Debt limit—Auditors' certificate to show obligation within.—The county auditor of each county, the auditor of each city, and the clerk of each board of education in this state shall endorse a certificate upon every bond, warrant or other evidence of debt, issued pursuant to law by any such officer, that the same is within the lawful debt limit of such county, city or school district, respectively, and is issued according to law. He shall sign such certificate in his official character.

History: R. S. 1898 & C. L. 1907, § 146; C. L. 1917, § 466; R. S. 1933 & C. 1943, 8-0-1.

Compiler's Note.

This title is made up of laws that affect more than one local governing unit and that are not appropriate for any other specific title.

Cross-References.

Accounts of cost of public works, 51-3-1 et seq.

Biennial audits of officers, 51-2-1 et seq.

Cities may borrow money, 10-8-6.

Constitutional debt limit, Const. Art. XIV.

Counties, right to incur indebtedness, 17-4-4.

County bonded indebtedness, 17-12-1.

Drainage district bonds, 19-4-13 et seq.

Irrigation district bonds, 73-7-20.

Metropolitan water districts, bonds of, 73-8-26.

Public works, plans to be prepared by registered engineer, 58-22-18.

School districts, right to borrow money and issue bonds, 53-10-1 et seq.

State Depositary Act, 51-1-1 et seq.
State road bonds, payment of interest on, 27-4-1, 27-4-2.
Towns may borrow money, 10-13-22.
Water Conservancy Act, bonds under, 73-9-31 to 73-9-37.

Collateral References.

Counties⇨173(2).
20 C.J.S. Counties § 259.
Limitations of indebtedness, 38 Am. Jur. 99, Municipal Corporations § 408 et seq.

Estoppel by recitals in municipal bonds as to lawfulness of issue, 158 A. L. R. 938.

Funding or refunding obligations as subject to conditions respecting limitation of indebtedness or approval of voters, 97 A. L. R. 442.

Liability of seller to purchaser of invalid nonnegotiable public warrants, bonds, certificates, etc., 139 A. L. R. 1426.

Power and discretion of officer or board authorized to issue bonds of governmental unit as regards terms or conditions to be included therein, 119 A. L. R. 190.

Priority or preference as between different issues of bonds of municipalities or political subdivisions, absent express provisions in that regard, 108 A. L. R. 1018.

Right to call governmental bonds in advance of their maturity, 109 A. L. R. 988.

Sale of bonds at less than par or face value, 91 A. L. R. 7, 162 A. L. R. 396.

11-1-2. Auditors may rely on certain facts.—Whenever a board of county commissioners, board of city commissioners, city council or board of education of any such county, city or school district shall find or declare that any appropriation or expenditure for which a warrant or warrants are to be issued was or is for interest upon the bonded debt, for salaries, or for the current expenses of such county, city or school district, such finding or declaration shall conclusively protect the county auditor, city auditor or clerk of the board of education of any such county, city or school district, as to such facts, in certifying any warrant or warrants therefor to be within the lawful debt limit of such county, city or school district.

History: R. S. 1898 & C. L. 1907, § 148; C. L. 1917, § 468; R. S. 1933 & C. 1943, 8-0-2.

Collateral References.

Counties⇨165.
20 C.J.S. Counties § 249.

11-1-3. False certificate—Penalty.—Any person mentioned in section 11-1-1 who neglects to endorse any certificate required thereby, or who makes any such certificate falsely and fraudulently, is guilty of a misdemeanor, punishable by a fine not exceeding $1,000 or imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

History: R. S. 1898 & C. L. 1907, § 149; C. L. 1917, § 469; R. S. 1933 & C. 1943, 8-0-3.

Compiler's Note.

The reference in this section to "section 11-1-1" appeared in Code 1943 as "section 8-0-1."

Collateral References.

Counties⇨173(2).
20 C.J.S. Counties § 259.

11-1-4. Sinking fund—Investment.—The board of city commissioners, the city council of every city, the board of county commissioners of every county, the board of education of every school district, and the governing body of every taxing unit in this state may cause any sinking fund now existing or hereafter created by authority of law, to be invested in any lawful bonds bearing interest, issued by any city, county, school district or taxing unit in the state, or by the state of Utah, or by the government of the United States or any of its agencies, or to the extent to which they are insured, in shares or accounts of either state chartered or federal chartered savings and loan or building and loan associations which are insured by the Federal Savings and Loan Insurance Corporation.

History: L. 1901, ch. 84, § 1; C. L. 1907, § 2063x19; C. L. 1917, § 5200; R. S. 1933 & C. 1943, 8-0-4; L. 1943, ch. 13, § 1.

Compiler's Note.

The 1943 amendment added the portion of the section following the words "state of Utah," and deleted a provision as follows: "Whenever such bonds are on the market at a fair and reasonable price and the money in any sinking fund exceeds the amount of any bond or bonds for which such fund was created, then such fund shall be used to redeem such bond or bonds at the market value thereof, and the custodians of any such sinking fund are hereby authorized to buy such bond or bonds."

Cross-References.

Investments in general, 33-1-1 et seq.

Powers and duties of state loan commissioners, 66-1-1 et seq.

Collateral References.

Counties⇨186½.

20 C.J.S. Counties § 277.

Sinking funds, 42 Am. Jur. 729, Public Funds § 18.

Constitutional provisions against impairment of obligations of contract as applied to sinking funds for retirement of municipal or other public bonds, 115 A. L. R. 220.

Right to call governmental bonds in advance of their maturity, 109 A. L. R. 988.

11-1-5. Form, time, and place of payment—Held in trust.—Whenever any county, municipality, school district or taxing unit within this state is authorized to issue and sell its bonds, they may be issued in serial form or in the form of term bonds and made payable in such manner and at such times, within legal limits, as such county, municipality, school district or taxing unit may determine. Principal and interest shall be made payable only at a duly incorporated bank or trust company operating under state or national banking laws or principal and interest may be made payable at such a bank or trust company or at the office of the treasurer of the issuer, at the option of the holder; provided, such alternative places of payment are designated in the bonds by the issuer at the time such bonds are issued.

All payments of funds either as principal or interest on any bonds issued by any county, municipality, school district or other taxing unit within this state paid to anyone other than the owner of such bonds shall be regarded and held as trust funds, and the person, firm or corporation so receiving the same shall be held as a trustee of such funds holding the same for the benefit of the owners and holders of such bonds until the same are fully paid over. Until such funds are paid over by the person, firm or corporation collecting the same, they shall be set up and held in a separate trust account and not commingled or used by the collector in any manner whatever.

History: L. 1919, ch. 10, § 1; R. S. 1933, 8-0-5; L. 1937, ch. 14, § 1; C. 1943, 8-0-5.

Compiler's Note.

The 1937 amendment added "school district" in the first sentence, and also added all that portion of the section following the first sentence.

Collateral References.

Counties⇨183(2).

20 C.J.S. Counties § 268.

Payment of securities and obligations, 43 Am. Jur. 482, Public Securities and Obligations § 271 et seq.

Printing, lithographing or other mechanical signature on public bonds, coupons or other public pecuniary obligations, 94 A. L. R. 768.

11-1-6. Violation of act a misdemeanor.—Anyone violating the provisions of this act shall be guilty of a misdemeanor.

History: L. 1937, ch. 14, § 2; C. 1943, 8-0-6.

Repealing Clause and Effective Date.

Section 3 of Laws 1937, ch. 14, repealed all acts in conflict with said act. Section 4 provided that said act should take effect upon approval. Approved March 19, 1937.

Collateral References.

Counties⇐183(2).
20 C.J.S. Counties § 268.

CHAPTER 2

PLAYGROUNDS

11-2-1. Local authorities may designate and acquire property for playgrounds and recreational facilities.—The governing body of any city, town, school district or county may designate and set apart for use as playgrounds, athletic fields, gymnasiums, public baths, swimming pools, camps, indoor recreation centers, television transmission and relay facilities, or other recreational facilities, any lands, buildings or personal property owned by such cities, towns, counties or school districts that may be suitable for such purposes; and may, in such manner as may be authorized and provided by law for the acquisition of lands or buildings for public purposes in such cities, towns, counties and school districts, acquire lands, buildings, and personal property therein for such use; and may equip, maintain, operate and supervise the same, employing such play leaders, recreation directors, supervisors and other employees as it may deem proper.

History: L. 1923, ch. 100, §§ 1, 2; R. S. 1933 & C. 1943, 72-0-1; L. 1957, ch. 22, § 1.

Compiler's Note.

The 1957 amendment inserted the provisions relating to "television transmission and relay facilities" and references to acquiring personal property.

Cross-References.

Civic centers, at school buildings and grounds, 53-21-1 et seq.

Establishment and maintenance by cities, 10-8-9.

Establishment and maintenance by towns, 10-13-26.

1. Immunity from liability—governmental functions.

The most general test of governmental function relates to the nature of the activity. It must be something done or furnished for the general public good, that is, of a "public or governmental character," such as the maintenance and operation of public schools, hospitals, public charities, public parks or recreational facilities. In addition to the above mentioned general test these supplemental ones are also applied: (a) Whether there is special pecuniary benefit or profit to the city and (b) whether the activity is of such a nature as to be in real competition with free enterprise. Ramirez v. Ogden City, 3 U. (2d) 102, 279 P. 2d 463, 465, 47 A. L. R. 2d 539.

A municipal corporation may act both in a public and a private capacity and when performing in a public or governmental function it is not subject to tort liability. Ramirez v. Ogden City, 3 U.

(2d) 102, 279 P. 2d 463, 464, 47 A. L. R. 2d 539.

2. Liability of city.

Maintenance of parks and playgrounds is governmental function so that city is not liable for negligence of their servants and agents in connection therewith. Alder v. Salt Lake City, 64 U. 568, 231 P. 1102.

Failure of a city to designate and set apart a community center as an "indoor recreational facility" does not prevent the city from claiming that it was operated as a governmental activity. The fact that the city took title to the property, employed a director to supervise the recreational activities and contributed in excess of $6,000 per year for its operation, seems sufficient to show that the city was operating it, whether or not there was a formal dedication for public use. Ramirez v. Ogden City, 3 U. (2d) 102, 279 P. 2d 463, 465, 47 A. L. R. 2d 539.

3. Liability of county.

The operation of a golf course by a county is a governmental function and the fact that fees are charged for the use of the course and lockers and that a restaurant in the clubhouse is leased to a private individual does not change the activity into one of a proprietary nature. Jopes v. Salt Lake County, 9 U. (2d) 297, 343 P. 2d 728, 730.

4. Employee's liability.

The manager of a county golf course who had the duty to maintain the course and its facilities in a safe condition might be held personally liable for negligent acts done in the performance of his duties, even though his employer is immune. Jopes v. Salt Lake County, 9 U. (2d) 297, 343 P. 2d 728, 731.

Collateral References.

Municipal Corporations⇨276.

63 C.J.S. Municipal Corporations § 1057.

Establishment and maintenance, 39 Am. Jur. 805, Parks, Squares and Playgrounds § 5 et seq.

Extent of power of school district to provide for the comfort and convenience of teachers and pupils, 52 A. L. R. 249.

Maintenance of auditorium, community recreational center building, or the like, by municipal corporation as governmental or proprietary function for purposes of tort liability, 47 A. L. R. 2d 544.

11-2-2. Entertainment facilities for citizenry.—Such local authorities may organize and conduct plays, games, calisthenics, gymnastics, athletic sports and games, tournaments, meets and leagues, dramatics, picture shows, pageants, festivals and celebrations, community music, clubs, debating societies, public speaking, story telling, hikes, picnics, excursions, camping and handicraft activities, and in areas so remote from regular transmission points of the large television stations that television reception is impossible without special equipment, and adequate, economical and proper television is not available to the public by private sources, said local authorities, may equip and maintain television transmission and relay facilities and other forms of recreational activity, that may employ the leisure time of the people in a constructive and wholesome manner.

History: L. 1923, ch. 100, § 2; R. S. 1933 & C. 1943, 72-0-2; L. 1957, ch. 22, § 1; 1959, ch. 22, § 1.

Compiler's Notes.

The 1957 amendment inserted the provisions relating to TV and relay facilities.

The 1959 amendment, following the words "may equip and maintain," substituted "television" for "any type of," "and" for "or," and "facilities" for "facility that operates by means of translator stations, that is authorized by law for the purpose of supplying television to the people."

1. Television "booster" facility.

This section authorizes the county operation of a television "booster" facility for the benefit of its residents, and the county is not liable for the interference with a closed-circuit television service to the area in the absence of any federal interstate airwave legislation to the contrary. Jackson v. Harward, 9 U. (2d) 136, 339 P. 2d 1026.

Collateral References.

Municipal Corporations⇨721(1).

64 C.J.S. Municipal Corporations § 1819.

Recreation, 37 Am. Jur. 741, Municipal Corporations § 128.

11-2-3. Recreation board.—Authority to supervise and maintain any of such recreational facilities and activities may be vested in any existing

body or board, or in a public recreation board, as the governing body of any city, town, county or school district may determine. If it is determined that such powers are to be exercised by a public recreation board, such board may be established in any city, town, county or school district and shall possess all the powers and be subject to all the responsibilities of the respective local authorities under this chapter.

History: L. 1923, ch. 100, §§ 2, 3; R. S. 1933 & C. 1943, 72-0-3.

Collateral References.
Municipal Corporations⇨721(1).
64 C.J.S. Municipal Corporations § 1819.

11-2-4. Number of members of board—Selection—Term.—Such recreation board shall consist of five persons. When established in a city of the first or second class two members shall be selected from the board of education of the school district therein, and when established in any county two members shall be appointed from the board of education of that county; provided, that in counties having two or more school districts one member shall be appointed from each county school district therein. The members of such board shall be appointed by the appointing authority of the city, town, county or school district and shall serve for a term of five years and until their successors are appointed; provided, that the members first appointed shall be appointed for such terms that the term of one member will expire annually thereafter. Vacancies in a board occurring otherwise than by expiration of term shall be filled in the same manner as original appointments for the unexpired term. The members of recreation boards shall serve without compensation.

History: L. 1923, ch. 100, § 3; R. S. 1933 & C. 1943, 72-0-4.

Collateral References.
Municipal Corporations⇨721(1).
64 C.J.S. Municipal Corporations § 1819.

11-2-5. Chairman, secretary and other officers of board.—Each recreation board shall elect its own chairman and secretary, and shall appoint all other officers necessary, for a period of one year; and may adopt rules and regulations for the conduct of its business.

History: L. 1923, ch. 100, § 4; R. S. 1933 & C. 1943, 72-0-5.

Collateral References.
Municipal Corporations⇨721(1).
64 C.J.S. Municipal Corporations § 1819.

11-2-6. Co-operation between school districts and cities, towns and counties.—Any board of education of any school district may join with any city, town or county in purchasing, equipping, operating and maintaining playgrounds, athletic fields, gymnasiums, baths, swimming pools, television transmission and relay facilities of the type referred to in section 11-2-2 and other recreational facilities and activities, and may appropriate money therefor.

History: L. 1923, ch. 100, § 5; R. S. 1933 & C. 1943, 72-0-6; L. 1957, ch. 22, § 1.

Collateral References.
Municipal Corporations⇨721(1).
64 C.J.S. Municipal Corporations § 1819.

Compiler's Note.

The 1957 amendment inserted the provisions relating to TV and relay facilities.

11-2-7. Expenses—Payment of—Authority to appropriate and tax—Licensing of television owners and users—Collection of license fees.—All expenses incurred in the equipment, operation and maintenance of such recreational facilities and activities shall be paid from the treasuries of the respective cities, towns, counties, or school districts, and the governing bodies of the same may annually appropriate, and cause to be raised by taxation, money for such purposes. In areas so remote from regular transmission points of the large television stations that television reception is impossible without special equipment and adequate, economical and proper television is not available to the public by private sources, said local authorities may also, by ordinance, license, for the purpose of raising revenue to equip, operate and maintain television transmission and relay facilities, all users or owners of television sets within the jurisdiction of said local authorities, and may provide for the collection of the license fees by suit or otherwise and may also enforce obedience to such ordinances with such fine and imprisonment as the local authorities deem proper; provided that the punishment for any violation of such ordinances shall be by a fine not exceeding $50.00 or by imprisonment not exceeding one day for each $5.00 of said fine, if the fine is not paid.

History: L. 1923, ch. 100, § 6; R. S. 1933 & C. 1943, 72-0-7; L. 1949, ch. 70, § 1; 1961, ch. 30, § 7; 1961, ch. 25, § 1.

Compiler's Notes.

The 1949 amendment added the words which were deleted by the 1961 amendment by ch. 30.

This section was amended twice in the 1961 Session, once by ch. 30, § 7, approved March 7, 1961 and once by ch. 25, § 1, approved March 13, 1961. Neither amendment mentioned the other amendment or included the changes made by the other chapter in the session. The compiler has made a composite section including changes made by both amendments.

The 1961 amendment by ch. 30 deleted the following phrase after "purposes" at the end of the first sentence: "which in no case shall be more than .75 mills."

The 1961 amendment by ch. 25 added the provisions relating to the licensing of owners and users of television sets for the purpose of raising revenue.

Effective Date.

Section 2 of Laws 1961, ch. 25 provided that the act should take effect upon approval. Approved March 13, 1961.

Cross-Reference.

Single aggregate mill levy limitation for counties according to assessed value, 59-9-6.1 to 59-9-6.5.

Collateral References.

Municipal Corporations⇨721(1).
64 C.J.S. Municipal Corporations § 1818.

11-2-8. Donations.—The governing body in any city, town, county or school district may take charge of and use any grounds, buildings or other facilities which may be offered, either temporarily or permanently, by any individual or corporation for playground and recreation purposes; and may receive donations, legacies, bequests or devises for the establishment, improvement or maintenance of recreational facilities and activities. All moneys so received shall, unless otherwise provided by the terms of the gift or devise, be deposited in the treasury of the city, town, county or school district to the credit of the recreation fund, and may be withdrawn only in the manner provided for the payment of money appropriated for the acquisition, improvement, operation and maintenance of playgrounds and other recreational facilities and activities.

History: L. 1923, ch. 100, § 7; R. S. 1933 & C. 1943, 72-0-8.

Collateral References.

Municipal Corporations⇨721(1).
64 C.J.S. Municipal Corporations § 1819.

CHAPTER 3

FIREWORKS

11-3-1. Sale or use of fireworks declared against safety and welfare.—The sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the state of Utah, except as hereinafter provided, is hereby declared by the legislature to be against the public health, safety and welfare of the people of the state of Utah.

History: L. 1939, ch. 125, § 1; C. 1943, 29A-1-1.

Title of Act.

An act regulating the sale, exposure for sale, use, distribution, or possession of fireworks and providing penalties for violation of the provisions of this act.

Cross-References.

Cities may prevent use of fireworks, 10-8-47.

Towns may prevent discharge of fireworks, 10-13-9.

Unlawful possession, manufacture or transportation of explosives:
offenses, 76-18-1 et seq.
regulation by cities, 10-8-56.
storage in mines, 40-2-8, 40-5-4.

Collateral References.

Explosives⇨2.
35 C.J.S. Explosives § 3.
Generally, 22 Am. Jur. 187, Explosions and Explosives § 1 et seq.

11-3-2. Sale or use of fireworks unlawful.—From and after the passage of this act it shall be unlawful for any person, firm, partnership or corporation to offer for sale, expose for sale, sell, possess, or use, or explode any toy cannon in which explosives are used; the type of balloon which requires fire underneath to propel the same; firecrackers; torpedoes; sky-rockets, Roman candles, bombs, or other fireworks of like construction, or any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, other than aviation and railroad signal light flares, except as in this act provided; provided, further, this act shall not prohibit the use of toy pistols, toy canes, toy guns, or sparklers.

History: L. 1939, ch. 125, § 2; C. 1943, 29A-1-2.

Collateral References.

Liability for injury by explosive or the like found by, or left accessible to, a child, 10 A. L. R. 2d 22.

Liability of manufacturer or wholesaler for injury caused by third person's use of explosives or other dangerous article sold to retailer in violation of law, 11 A. L. R. 2d 1028.

Liability of seller of firearm, explosive, or highly inflammable substance to child, 20 A. L. R. 2d 119.

11-3-3. Public display, when permitted—Permit.—The governing body of any municipality, town or county, notwithstanding any of the provisions of this act to the contrary, may, upon application in writing, upon the posting of a suitable bond, grant a permit for the public display of fireworks by municipalities, towns, counties, religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals, approved by the governing body of such municipality, town, or county to whom the application is made, and the governing body is authorized by resolution, to grant such permission when such display is to be handled by a competent operator, to be approved by the chiefs of police and fire departments of the municipality, if the display is to be in a city or town, and by the sheriff if in a county. Such display shall be of such a character, and so located, discharged, or fired, as in the opinion of the chiefs of the police and fire departments, or sheriff, after proper inspection, shall not be hazardous to property or endanger any person or persons. After such permit shall have been granted sales, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only.

History: L. 1939, ch. 125, § 3; C. 1943, 29A-1-3.

Collateral References.

Regulation and control, 22 Am. Jur. 128, Explosions and Explosives § 5.

Fireworks display, municipal liability for injuries from, 93 A. L. R. 1356.

11-3-4. Application for permit.—All such applications for permits shall set forth the date, the hour, and place of making such display, and the place of storing fireworks prior to the display; and further, the name or names of the person, persons, firm, partnership, corporation, association or group of individuals making the display; and the name of the person or persons, in charge of the igniting, firing, setting off, exploding or causing to be exploded such fireworks. The location of the storage place shall be subject to the approval of the chief of the fire department, or sheriff, of the municipality or county. No permit granted hereunder shall be transferable.

History: L. 1939, ch. 125, § 4; C. 1943, 29A-1-4.

11-3-5. Bond.—The governing body of the municipality, town or county, may require a bond deemed adequate by the municipality, or county, from the licensee in a sum not less than five hundred dollars conditioned for the payment of all damages, which may be caused either to a person or persons or to property, by reason of the display so as aforesaid licensed, and arising from any acts of the licensee, his agents or employees. Such bond shall run to the municipality, town or county, in which the license is granted and shall be for the use and benefit of any person injured or the owner of any property damaged, who is authorized to maintain an action thereon, or his heirs, executors, administrators, successors or assigns.

History: L. 1939, ch. 125, § 5; C. 1943, 29A-1-5.

11-3-6. Exceptions from act.—Nothing in this act shall be construed to interfere with the manufacture, storage, or transportation of fireworks by any manufacturer, wholesaler, dealer or jobber selling at wholesale without the state or to municipalities, counties, religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals within the state authorized to possess and use fireworks under this act; or the sale or use of any fireworks or blank cartridges for a show or theater, or for signal purposes in athletic sports, or by railroads for signal purposes, or for use by the militia; or construed to prohibit the manufacture and sale of aviation and railroad light flares.

History: L. 1939, ch. 125, § 6; C. 1943, 29A-1-6.

11-3-7. Violation a misdemeanor.—Any person violating the provisions of this act, or the provisions of any ordinance complying with this act, shall be guilty of a misdemeanor.

History: L. 1939, ch. 125, § 7; C. 1943, 29A-1-7.

11-3-8. Municipalities and counties to enforce act.—The municipalities and counties outside of incorporated cities of this state are hereby charged with the enforcement of all of the provisions of this act and may enact and enforce ordinances not in conflict with this act.

History: L. 1939, ch. 125, § 8; C. 1943, 29A-1-8.

Compiler's Note.

Sections 29A-2-1 to 29A-2-15 of Utah Code Annotated 1943 (Laws 1941 (2nd S. S.), ch. 37, §§ 1-15), dealing with explosives, were repealed by Laws 1947, ch. 40, § 1.

Repealing Clause.

Section 9 of Laws 1939, ch. 125 provided that any provision of any act in this state inconsistent with any provision of said act is hereby repealed.

Collateral References.

Explosives⇦2.
36 C.J.S. Explosives § 3.

CHAPTER 4

STANDARD FIRE-FIGHTING EQUIPMENT

Section 11-4-1. Equipment for fire protection—Standard equipment.
11-4-2. Duty of local governing body—Standardization.
11-4-3. Selling or offering for sale substandard equipment unlawful.
11-4-4. Penalty and punishment—Grade of offense—Jurisdiction of prosecutions.

11-4-1. Equipment for fire protection—Standard equipment.—All equipment for fire protective purposes, purchased by any authorities having charge of public property, shall be equipped with the standard hydrant stem and cap nuts and standard threads for fire hose and fire hydrant couplings and fittings designated as the national standard, as adopted by the National Board of Fire Underwriters, which standard is hereby designated as the standard for such equipment in the state of Utah.

History: L. 1951, ch. 42, § 1; C. 1943, Supp., 103-22a-1.

Title of Act.

An act providing for standardization of fire hose and hydrant coupling threads, prohibiting sale of nonstandard thread equipment and providing for punishment of violators.

11-4-2. Duty of local governing body—Standardization.—It shall be the duty of each local governing body installing any new fire protection system to comply with the provisions of this act, and for each local governing body which now operates fire protection equipment to prepare and carry out a program to make such changes as may be necessary to standardize all existing fire protection equipment within their control to comply with the provisions of this act within a reasonable time.

History: L. 1951, ch. 42, § 2; C. 1943, Supp., 103-22a-2.

11-4-3. Selling or offering for sale substandard equipment unlawful.—It shall be unlawful for any person, firm, corporation, or association to sell or offer for sale in the state of Utah any fire hose, fire hydrant, fire engine, or other equipment with threaded parts, except adapters and caps for fire protective purposes unless it is fitted and equipped with the threads designated as national standard and adopted by the National Board of Fire Underwriters and designated by law as the standard of such equipment in the state of Utah.

History: L. 1951, ch. 42, § 3; C. 1943, Supp., 103-22a-3.

11-4-4. Penalty and punishment—Grade of offense—Jurisdiction of prosecutions.—Any such person, firm or corporation who shall violate the provisions of this act, upon conviction thereof, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $25 nor more than $250, or by imprisonment in the county jail for not less than ten days, nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court. Justices of the peace and district judges shall have concurrent jurisdiction over prosecutions for violations of this act.

History: L. 1951, ch. 42, § 4; C. 1943, 103-22a-4.

CHAPTER 5

BOXING CONTESTS AND WRESTLING MATCHES

11-5-1. License to hold—Rules of contest.—Boxing contests may be held by any person or incorporated club upon the prepayment by such person or club of an annual or current license to be fixed by the board of commissioners, or other governing bodies, of incorporated cities, towns or counties, except where boxing contests are prohibited by ordinance. Such contests must comply with the following rules and regulations:

(1) No boxing contest shall be held on Sunday, Decoration Day or Christmas.

(2) No boxing contest shall be of more than ten rounds duration, and no one round of such contest shall be permitted to extend for a longer period than three minutes.

(3) There shall be at least one minute intermission following each round.

(4) Each contestant shall wear gloves weighing not less than 5 ounces; any contestant weighing more than 145 pounds shall wear gloves weighing not less than 6 ounces.

(5) No person under the age of eighteen years, without the consent of parent or guardian, shall be permitted to be a principal in any match or contest.

(6) No betting or wagering at any boxing contest shall be permitted by any person or incorporated club before, after or during any such contest in the building or on the premises where such contest is held.

(7) Contestants shall break clean, and must not hold and hit. Butting with the head or shoulder, wrestling or improper use of elbow or knee, shall not be allowed in boxing contests. There shall be no unsportsmanlike conduct and no use of abusive or insulting language on the part of the contestants.

(8) The boxers, prior to each boxing contest, must be examined by a competent physician, who shall determine whether they are in physical condition to engage in such contest.

History: R. S. 1898 & C. L. 1907, § 4308; C. L. 1917, § 8225; L. 1929, ch. 27, § 1; R. S. 1933 & C. 1943, 9-0-1.

Cross-References.

Athletic Commission Act, 64-24-1 et seq.
Cities may prevent prize fights, 10-8-47.
Cities may regulate athletic associations, 10-8-81.
License by counties, 17-5-27.
Towns may regulate athletic associations, 10-13-21.

Collateral References.

Theaters and Shows⇨2.
53 C.J.S. Licenses § 30.
Prize fighting, 41 Am. Jur. 953, Prize Fighting § 1 et seq.

Constitutionality and construction of statutes subjecting pugilistic and wrestling contests to regulation by commission or otherwise, 83 A. L. R. 696.
Liability for injury to or death of participant in game or contest, 7 A. L. R. 2d 704.

11-5-2. Fake contests—Penalty.—Any contestant or promotor who shall participate in any sham or fake boxing contest or wrestling match or exhibition shall be prohibited from participating in any boxing contest or wrestling match or exhibition to be held within this state for a period of six months. If a contestant shall take part a second time in any sham or fake boxing contest or wrestling match or exhibition within this state he shall be barred from further participation in any boxing contest, wrestling match or exhibition.

History: R. S. 1898 & C. L. 1907, § 4308; C. L. 1917, § 8225; L. 1929, ch. 27, § 1; R. S. 1933 & C. 1943, 9-0-2.

Collateral References.

Theaters and Shows⇨2.
53 C.J.S. Licenses § 30.

CHAPTER 6

PAWNBROKERS AND SECONDHAND DEALERS

Section 11-6-1. Records to be kept—Availability to peace officers.
11-6-2. Sales of forfeited pledges—Redemption—Interest rates.
11-6-3. Violation a misdemeanor.

11-6-1. Records to be kept—Availability to peace officers.—Pawnbrokers and dealers in secondhand goods shall keep records containing a de-

scription of all articles received by them, the amounts paid therefor or advanced thereon, a general description of the person from whom received, together with his name and address and the date of the transaction. Such records shall at all reasonable times be accessible to any peace officer who demands an inspection thereof, and any further information regarding such transaction that he may require shall be given by pawnbrokers and secondhand dealers to the best of their ability. In cities of the first and the second class at the close of each day's business pawnbrokers shall mail a copy of such records to the sheriff of the county in which they are located.

History: R. S. 1898 & C. L. 1907, § 1708; L. 1909, ch. 11, § 1; C. L. 1917, § 4375; R. S. 1933 & C. 1943, 70-0-1.

Cross-References.

Cities, license by, 10-8-39.

Interest and usury, 15-1-1 et seq.

Minors, prohibition from purchasing from, 10-8-39.

Peace officers to transmit copies of reports to bureau of criminal identification, 77-59-9.

Small loan provisions, exemption from, 7-10-2.

Collateral References.

Pawnbrokers and Money Lenders⇨2.
70 C.J.S. Pawnbrokers § 2.
Regulation of pawnbrokers, 40 Am. Jur. 691, Pawnbrokers § 3 et seq.

Liability of pawnbroker for theft by third person of pawned property, 68 A. L. R. 2d 1259.

Regulations as to junk dealers as within municipal powers, 45 A. L. R. 2d 1396.

11-6-2. Sales of forfeited pledges—Redemption—Interest rates.—In all cases in which an article pledged has been forfeited no sale or other disposition thereof by the pledgee shall be made within the period of six months after the forfeiture of the pledge, unless the period of loan is less than three months; in which case the period of redemption shall be three months. During such periods the pledgor shall have the right to redeem such articles at no greater advance than five per cent per month on all sums up to and including $50, and three per cent per month upon all sums in excess of $50; provided, that the pledgee shall in any event be entitled to a minimum charge of $1.

History: R. S. 1898 & C. L. 1907, § 1709; L. 1917, ch. 41, § 11; C. L. 1917, § 4376; R. S. 1933 & C. 1943, 70-0-2.

Collateral References.

Pawnbrokers and Money Lenders⇨8.
70 C.J.S. Pawnbrokers § 11.

Construction and application of provision of small loan statute limiting time period for loan contracts, 58 A. L. R. 2d 1263.

11-6-3. Violation a misdemeanor.—A violation of any of the provisions of this chapter is a misdemeanor.

History: R. S. 1898 & C. L. 1907, § 1710; C. L. 1917, § 4376; R. S. 1933 & C. 1943, 70-0-3.

Compiler's Note.

The reference in this section to "this chapter" appeared in Code 1943 as "this title."

Collateral References.

Pawnbrokers and Money Lenders⇨10.
70 C.J.S. Pawnbrokers § 14.

CHAPTER 7

FIRE PROTECTION

11-7-1. Co-operation with other governmental units—Contracts.—It shall be the duty of the governing body of every incorporated municipality and of the board of commissioners of every county to provide adequate fire protection within their own territorial limits and to co-operate with all contiguous counties, municipal corporations, private corporations, fire districts or federal governmental agencies in order that they may maintain adequate fire protection within their territorial limits. To this end, every incorporated municipality and every county may:

1. Maintain and support a fire-fighting force or fire department for its own protection.

2. Contract to furnish fire protection to any proximate county, municipal corporation, private corporation, fire district, state agency or federal agency.

3. Contract to receive fire protection from any contiguous county, municipal corporation, private corporation, fire district, state agency or federal governmental agency.

4. Contract to jointly provide fire protection with any contiguous county, municipal corporation, private corporation, fire district, state agency or federal governmental agency.

5. Contract to contribute toward the support of a fire-fighting force, or fire department in any contiguous county, municipal corporation, private corporation, fire district, state agency or federal governmental agency in return for fire protection.

History: L. 1957, ch. 19, § 2.

Compiler's Note.

Section 1 of ch. 19, Laws 1957 amended sections 10-6-61 and 10-8-55.

Title of Act.

An act amending sections 10-6-61 and 10-8-55, Utah Code Annotated 1953 relating to the requirement that all cities of the first and second class maintain a police department and fire department and the power of cities to make co-operative agreements with other governmental units to receive fire protection: enacting a new chapter providing that any county or incorporated municipality may establish a fire-fighting force or a fire department for its own protection, and contract to provide or receive fire protection from contiguous private or governmental units.

Cross-Reference.

Fire protection districts, 17-9-1.

11-7-2. Contract—Requirements—Time in effect.—Any contract made pursuant to section 11-7-1 shall:

1. Be in writing.

2. Set forth in detail the extent of the fire protection to be afforded by the party or parties contracting to furnish fire protection.

3. Set forth in detail the amount and method of payment to be made by the party or parties.

4. Be in effect for at least one year but not more than five years.

History: L. 1957, ch. 19, § 3.

Compiler's Note.

The reference in this section to "section 11-7-1" appeared in the act as "section 2 of this act."

11-7-3. Privileges and immunities from liability extend to departments fighting fires outside territorial limits under contract.—All the privileges and immunities from liability which surround the activities of any county or municipal corporation fire-fighting force or fire department when performing its functions within the governmental unit's territorial limits shall apply to the activities of that governmental unit's fire-fighting force or department while furnishing fire protection outside its territorial limits under any contract pursuant to section 11-7-1.

History: L. 1957, ch. 19, § 4.

Compiler's Note.

The reference in this section to "section 11-7-1" appeared in the act as "section 2 of this act."

11-7-4. Death or injury of fireman while fighting fire outside territorial limits.—The effect of the death or injury of any fireman who is killed or injured outside the territorial limits of the county or municipality where he is a member of the fire-fighting force or fire department and while that force or department is functioning pursuant to any contract made under section 11-7-1 shall be the same as if he were killed or injured while that force or department was functioning within its own territorial limits, and his death shall be considered in the line of duty.

History: L. 1957, ch. 19, § 5.

Compiler's Note.

The reference in this section to "section 11-7-1" appeared in the act as "section 2 of this act."

CHAPTER 8

SEWAGE SYSTEMS—JOINT USE

11-8-1. Contracts for joint use, operation, and ownership of sewage lines and sewage treatment and disposal systems.—Any county, incorporated municipality, improvement district, taxing district or other political subdivision of the state of Utah which now or hereafter owns and operates sanitary sewer facilities (each of which is hereinafter referred to as a "public owner") is hereby granted authority:

(a) To enter into long-term contracts with any other public owner or public owners pursuant to which sewage lines, sewage treatment and sewage disposal facilities, or any part thereof, of one or more public owners shall be available for collection, treatment and disposal, or any part thereof, of the sewage collected by one or more other public owners, or of

sewage collected jointly, pursuant to such terms and conditions and for such consideration as may be provided in such contracts. Annual payments due by any such public owner for services received under any such contract shall not be construed to be an indebtedness of such public owner within the meaning of any constitutional or statutory restriction, and no election shall be necessary for the authorization of such contract. Any public owner or owners so contracting to make available sewage collection, sewage treatment and disposal facilities, or any part thereof, may in any such contract agree to make available to such other public owner or owners a specified part of its facilities, without regard to its future need of such specified part for its own use, and may in such contract agree to increase the capacity of its facilities from time to time in the future if necessary in order to take care of its own needs and to perform its obligations to the other parties to such contract.

(b) To construct or otherwise acquire joint interests in, and to own jointly, sewer lines, sewage treatment and disposal facilities, or any part thereof for their common use. To such end, any public owner may sell to any other public owner or owners a partial interest or interests in any of its sewer lines, sewage treatment and disposal facilities. Any public owner may issue its bonds for the purpose of acquiring such joint interest in sewer lines, sewage treatment and disposal facilities, or any part thereof, whether such joint interest is to be acquired through the construction of new facilities or the purchase of such interest in existing facilities, which bonds may be issued under the provisions and in the manner provided in any available law authorizing the issuance of bonds for the acquisition of sanitary sewer facilities by such public owner.

(c) To operate jointly with any other public owner or owners, sewer lines, sewage treatment and disposal facilities, or any part thereof, which they may own jointly.

History: L. 1957, ch. 30, § 1.

Title of Act.

An act authorizing counties, incorporated municipalities, improvement districts, taxing districts and political subdivisions owning sanitary sewer facilities to contract with each other for joint use of sewer lines, sewage treatment and disposal facilities, authorizing the joint ownership of such facilities, authorizing the sale of such facilities, authorizing the issuance of bonds for the acquisition of a joint interest in such facilities, and authorizing the joint operation of such facilities; an emergency clause.

Separability Clause.

Section 2 of Laws 1957, ch. 30, provided as follows: "If any one or more sections, sentences, clauses, phrases or provisions of this act are for any reason held to be unconstitutional, all remaining parts of this act shall nevertheless continue to be valid and effective, the legislature hereby declaring that all provisions of this act are severable."

Effective Date.

Section 3 of Laws 1957, ch. 30 provided that the act should take effect upon approval. Approved March 22, 1957.

Cross-References.

Improvement districts for water, sewer or sewage systems, 17-6-1 et seq.

Power of cities to construct and control sewage systems, 10-8-38.

Collateral References.

Liability of municipal corporation for damages for maintenance of sewer disposal plant as nuisance, 40 A. L. R. 2d 1198.

Municipal operation of sewage disposal plant as governmental or proprietary function for purposes of tort liability, 57 A. L. R. 2d 1336.

Power of municipality to sell, lease, or mortgage public utility plant or interest therein, 61 A. L. R. 2d 595.